

FINAL ORDER NO. 6324

DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION  
1701 Prospect Avenue, P.O. Box 202601  
Helena, Montana 59620-2601

IN THE MATTER OF **Dorothy Horne** )  
**dba Capital Transfer and Storage,** )  
Helena, Montana, the application ) Docket No. T-94.48.PCN  
for a Montana Intrastate Certificate ) Order No. 6324  
of Public Convenience and Necessity. )

The Commission, being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On May 10, 1994, **Dorothy Horne dba Capital Transfer and Storage, 2330 North Cooke, Helena, MT 59601**, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class C - General commodities between points and places within a one hundred (100) mile radius of Helena, Montana.

Limitations: 1) Shipments must originate or terminate in Helena, Montana.

2) Transportation is restricted to that provided for the accounts of Clausen Dist., Co. and Van Waters and Rodgers, Inc. only.

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public June 8, 1994. That notice said in pertinent part:

If no written protests are received by June 28, 1994, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support and proposed contracts.

3. Protests were filed by Dixon Bros., Inc., Newcastle, WY; Security Armored Express, Inc., Helena, MT; James T. & Gayle Hanson, Twin Bridges, MT; Boka Freight, Dillon, MT; Dick Irvin, Inc., Shelby, MT; and Bill and Denise Severns dba Ravalli Motor Freight, Corvallis, MT.

4. On June 24, 1994, Applicant restrictively amended the application to exclude transportation of bulk commodities in tank vehicles. With the Commission acceptance of that amendment, the protest of Dixon Bros., Inc. was withdrawn.

5. On June 24, 1994, a stipulation between applicant and protestant, Security Armored Express, Inc. was filed with the Commission. Parties agreed to a restriction prohibiting transportation of audit and accounting media, data processing media and business records; processed and unprocessed film and microfilm and incidental supplies relating to snapshots and microfilm; nonnegotiable securities, nonnegotiable bank checks and valuable papers. The protest of Security Armored Express, Inc. was withdrawn.

6. Notice of public hearing was issued July 6, 1994, with the hearing scheduled

for Wednesday, August 3, 1994, in Helena, Montana. Prior to the date of hearing, applicant further restricted service to exclude points south of Butte, Montana over Interstate 15. The remaining protests were withdrawn and the hearing was vacated.

7. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on the 8th day of August, 1994, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-94.48.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **Dorothy Horne dba Capital Transfer and Storage**, Helena, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

**Class C - General commodities between points and places within a one hundred (100) mile radius of Helena, Montana.**

**Limitations: 1) Shipments must originate or terminate in Helena, Montana. 2) Transportation is restricted to that provided for the accounts of Clausen Dist., Co. and Van Waters and Rodgers, Inc. only. 3) Transportation of the following materials is prohibited: audit and accounting media, data processing media and business records; processed and unprocessed film and microfilm and incidental supplies relating to snapshots and microfilm; nonnegotiable securities, nonnegotiable bank checks and valuable papers. 4) Transportation of commodities in bulk in tank vehicles is prohibited. 5) Service over Interstate 15 to points south of Butte, Montana is prohibited.**

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 8th day of August, 1994, by a vote of 5 - 0 .

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

---

BOB ANDERSON, Chairman

---

BOB ROWE, Vice Chairman

---

DAVE FISHER, Commissioner

---

NANCY McCaffree, Commissioner

---

DANNY OBERG, Commissioner

ATTEST:

Ann Purcell  
Acting Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.